

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSE REYES,

Plaintiff,

v.

UNITED STATES OF AMERICA and ERIKA  
FENSTERMAKER,

Defendants.

CIVIL ACTION NO. 3:13-CV-974

(JUDGE CAPUTO)

(MAGISTRATE JUDGE CARLSON)

ORDER

NOW, this 14/15 day of March, 2014, upon review of the Report and  
Recommendation of Magistrate Judge Martin C. Carlson (Doc. 24) for plain error or  
manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report & Recommendation (Doc. 24) is **ADOPTED**.
- (2) Plaintiff's claim against the individual Defendant Erika Fenstermaker is  
**DISMISSED with prejudice**.
- (2) Plaintiff's claims proceed solely against the United States and solely under  
the Federal Tort Claims Act.
- (3) This matter is **RECOMMITTED** to Magistrate Judge Carlson.



A. Richard Caputo  
United States District Judge